REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 28, 2008.

The Applicant appreciates the indication that the Information Disclosure Statements submitted in August of 2006 and in March of 2008 have been considered by the Examiner.

Responsive to the rejection of claims 43, 45, 46, 54, 55 and 57 under the second paragraph of U.S.C. §112, the claims have been amended in a manner which is believed to be responsive to the Office Action. Please note that the amendment to the aforementioned claims also responds to the issue whether the claims recite one or two different devices. Reconsideration and withdrawal of these rejections is therefore respectfully solicited.

Claims 68-70 stand rejected under 35 U.S.C. §101. These claims have been amended and the Applicant encloses a copy of an article published October 3, 2008, which provides an analysis and perspective on the difficulty of claiming software based inventions.

Claims 68-70, as amended, should be deemed to being in compliance with the claims which were allowed in U.S. Patent No. 5,710,578, which have been found to be directed to statutory subject matter in the Federal Circuit's decision entitled In Re. Beauregard (discussed at page 774 of the enclosed article). Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §101 of claims 68-70 is earnestly solicited.

Substantively, claims 36-42, 44, 46-54, 56, 58-63 and 65-70 are stated to be obvious over Wu (2003/0200455) in view of Barber (7,382,756). The remaining claims 43, 45, 55, 57 and 64 are stated to be obvious over the aforementioned Wu and Barber references, in further view of Billhartz (2004/0028001). Reconsideration is requested in view of the following remarks.

The fundamental problems which the present inventor has set out to solve are described in detail in the opening pages of the present specification, and specifically at paragraphs [0005] - [0009] thereof. Basically, the known method of utilizing the SSID (Service Set ID) as well as the MAC (Media Access Control) addresses of the devices is inadequate. That is, rogue operators can still interpose identical SSIDs which creates confusion and also allows data packets to be exchanged or false data provided to a receiving terminal. Also SSID numbers can be dynamically changed. There is also the issue of certain modes of operation where the SSID is concealed.

The various manners of solving this problem are set forth over pages 5-19 of the specification, but fundamentally, pages 19-21 (paragraph [[0045] and [0046]) describe the basic concept of providing and detecting a BSS identifier in the "frame", i.e. in the "frame transmission source".

Thus, each of the independent claims of the application, namely claims 36, 48, 60, 63, 65, 66, 67, 68, 69 and 70, explicitly incorporates as a key feature thereof the detection of the existence of an "unjust wireless station" based on the inclusion of a "specific identifier to be included in a wireless frame". See for example claim 36. The same or generally similar feature is found in claim 48, 60, etc. In all the claims what is acquired to detect an "unjust wireless station" is the "specific identifier from a wireless frame".

The primary reference Wu utilizes for communication the conventional methodology involving the use of SSID, WEP and the pre-registered MAC address parameters, all in accordance with IEEE 802.XX standard protocol.

Paragraphs [0049] and [0051] of Wu do not discuss the inclusion of any BSS codes or any identifier in any wireless frame. In fact the Office Action acknowledges as much at page 5 thereof.

Accordingly, the Office Action has turned to the second reference Barber, and has asserted that this reference discloses "specific identifier that is different in each wireless base station" and also discloses "specific identifier to be included in a wireless frame", referring the Applicant to column 17, lines 21-30.

Respectfully, however, the actual text Barber reads: "the access point typically transmits broadcast frames and unicast frames using a BSSID (typically, the MAC address of the access point's radio) that the client understands is the BSSID for the access point with which the client is associated."

The foregoing text refers to the conventional protocol and does not disclose the inclusion of a "specific identifier to be included in a wireless frame". In fact, the text at column 17 of this reference beginning at line 31 rejects the conventional mode and teaches the use of first encryption key and states that: "... clients that are part of a second network would have a second encryption key used for broadcast frames and other frames." Therefore, while Barber actually recognizes (at column 3, line 63 at seq.): "Another difficulty of wireless network is that of not

necessarily authorized users in the authorized space.", this reference in fact does not employ the solution of the present invention and suggests instead the use of encryption keys.

Based on the aforementioned discussion, Applicant respectfully submits that the subject matter of the instant independent claims is neither disclosed nor suggested in the references relied upon. Therefore these claims are patentable over the art, and necessarily so do their dependent claims.

The Examiner is accordingly requested to reconsider the application, allow the claims as amended, and pass this case to issue.

Respectfully submitted,

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